

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Blue Spike, LLC,

Plaintiff,

v.

Texas Instruments, Inc., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

Blue Spike, LLC,

Plaintiff,

v.

SecuGen Corporation,

Defendant.

CASE NO. 6:12-cv-607 MHS

CONSOLIDATED CASE

Jury Trial Demanded

AGREED MOTION TO DISMISS

Plaintiff Blue Spike, LLC (“Blue Spike”) and Defendant SecuGen Corporation (“SecuGen”) file this Agreed Motion to Dismiss under Fed. R. Civ. P. 41(a)(1)(A)(ii).

Blue Spike and SecuGen agree that:

1. Blue Spike consents to dismissal without prejudice of all of its claims against SecuGen in this suit.
2. SecuGen consents to dismissal without prejudice of all of its claims against Blue Spike in this suit.
3. Blue Spike and SecuGen shall each bear their own attorney fees and costs incurred in connection with this action.

Respectfully submitted,

/s/ Randall T. Garteiser

Randall T. Garteiser
Texas Bar No. 24038912
rgarteiser@ghiplaw.com
Christopher A. Honea
Texas Bar No. 24059967
chonea@ghiplaw.com
Christopher S. Johns
Texas Bar No. 24044849
cjohns@ghiplaw.com
Kirk J. Anderson
California Bar No. 289043
Peter S. Brasher
California Bar No. 283992
GARTEISER HONEA, P.C.
44 North San Pedro Road
San Rafael, California 94903
Telephone: (415) 785-3762
Facsimile: (415) 785-3805

ATTORNEYS FOR BLUE SPIKE, LLC

/s/ Robert F. Kramer

Robert F. Kramer
CA State Bar No. 181706
DENTONS US LLP
1530 Page Mill Road, Suite 200
Palo Alto, CA 94304
Telephone: (650) 798-0356
Facsimile: (650) 798-0310
robert.kramer@snrdenton.com

ATTORNEYS FOR SECUGEN CORPORATION

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Federal Rule of Civil Procedure 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on February 28, 2013.

/s/ Randall T. Garteiser

CERTIFICATE OF CONFERENCE

I certify that on behalf of Blue Spike, LLC, I have met and conferred with counsel for Defendant on May 6, 2013 regarding the relief requested herein. Counsel for Defendant has agreed to this motion.

/s/ Christopher A. Honea